

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

X

No. 1:23-cv-11195-SHS-OTW

DAILY NEWS, LP; CHICAGO TRIBUNE
COMPANY, LLC; ORLANDO SENTINEL
COMMUNICATIONS COMPANY, LLC;
SUN-SENTINEL COMPANY, LLC; SAN
JOSE MERCURY-NEWS, LLC; DP MEDIA
NETWORK, LLC; ORB PUBLISHING,
LLC; AND NORTHWEST
PUBLICATIONS, LLC,

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, OPENAI
HOLDINGS, LLC,

Defendants.

X

No. 1:24-cv-03285-SHS-OTW

THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Plaintiff,

X

No. 1:24-cv-04872-SHS

V.	:
	:
OPENAI, INC., OPENAI GP, LLC,	:
OPENAI, LLC, OPENAI OPCO LLC,	:
OPENAI GLOBAL LLC, OAI	:
CORPORATION, LLC, OPENAI	:
HOLDINGS, LLC, and MICROSOFT	:
CORPORATION,	:
	:
Defendants.	:
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**DECLARATION OF MICHAEL TRINH IN SUPPORT OF DEFENDANTS’
MOTION TO SEAL PLAINTIFFS’ MOTION TO COMPEL AND RELATED EXHIBITS**

I, Michael Trinh, hereby declare as follows:

1. I am Associate General Counsel at OpenAI. I submit this declaration in support of OpenAI Defendants' Motion to Seal pursuant to Section IV of Your Honor's Individual Rules and Practices. I have personal knowledge of the facts set forth below and if called as a witness, could testify competently thereto.

2. Limited portions of OpenAI Defendants' Opposition to the News Plaintiffs' Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis, limited portions of the Declaration of Michael Trinh in Support of OpenAI Defendants' Opposition to the News Plaintiffs' Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis ("Trinh Decl."), and limited portions of Exhibit A to the Declaration of Joseph Gratz in Support of OpenAI Defendants' Opposition to the News Plaintiffs' Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis detail commercially sensitive business information regarding metrics of ChatGPT usage and commercially sensitive business information regarding technical information related to OpenAI's products, services and/or operation, which OpenAI considers to be confidential or highly confidential information under the protective order.

3. Exhibit 3 attached to Plaintiff New York Times's Motion to Compel OpenAI to Produce Categories of Documents (ECF 398-3) directly references commercially sensitive business information regarding technical information related to OpenAI's products, services and/or operation, which OpenAI considers to be confidential or highly confidential information under the protective order.

4. The material contained within each of these documents falls into one or more categories of information: (i) commercially sensitive business information regarding metrics

related to ChatGPT usage; and (ii) commercially sensitive business information regarding technical information related to OpenAI's products, services and/or operation.

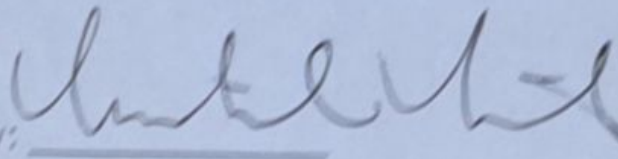
5. **Category (i).** The specific metrics OpenAI monitors to track the use of ChatGPT, including various measures of user volume and engagement constitute highly sensitive proprietary information. OpenAI treats such information as confidential or highly confidential.

6. **Category (ii).** OpenAI also treats proprietary technical information concerning how OpenAI monitors and governs user behavior on ChatGPT, including the specific technical methods of use, storage and maintenance of ChatGPT user data, as confidential or highly confidential.

7. OpenAI generally does not publicly disclose either category of information and takes steps to ensure the confidentiality of that information is maintained, particularly given the highly competitive nature of the artificial intelligence industry with global stakeholders.

8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of January 2025 in Redwood City, CA.

By: 

Michael Trinh
Associate General Counsel
OpenAI